

Legislative Analysis



DIVISION ON DEAFNESS FUND

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House Bill 5672

Sponsor: Rep. Dudley Spade

Committee: Regulatory Reform

Complete to 2-9-10

A SUMMARY OF HOUSE BILL 5672 AS INTRODUCED 12-9-09

House Bill 5672 would amend Section 8 of the Division on Deafness Act, 1937 PA 72, to direct revenue from the deaf interpreter licensing and examination fee generated under the Deaf Persons' Interpreters Act, 1982 PA 204, to the Division on Deafness Fund. The bill also specifies that the fund may be used to fund the activities of the Commission on Disability Concerns-Division on Deaf and Hard of Hearing (DODHH).¹

The bill is tie-barred to House Bill 5029, also sponsored by Representative Spade. That bill, which was approved by the Committee on Regulatory Reform in November 2009, would amend the Deaf Persons' Interpreters Act to create the Interpreters' Standards Fund. The fund would receive interpreter fee revenue and be expended to fund the activities of the DODHH.² House Bill 5029 is identical to the Senate-passed version of Senate Bill 484, sponsored by Senator Jansen. That bill passed the Senate in August 2009, and is pending before the House Committee on Appropriations.

MCL 408.208

FISCAL IMPACT:

The bill would have no material fiscal impact on the state or local units of government. Currently, interpreters' fees are already a restricted fund source within the budget of the Department of Energy, Labor, and Economic Growth, supporting the operations of the Commission on Disability Concerns, Division on Deaf and Hard of Hearing.³ Revenues from the interpreters' fees, however, are aggregated with other fund sources, and identified in the annual DELEG appropriations act as "state restricted revenues." Presumably, for future budget acts, the Division on Deafness Fund would appear as a distinct fund source. The significance of crediting interpreters' fee revenue to a specific fund is that it ensures that any excess revenue does not lapse to the General Fund at the

¹ Section 8 provides that the fund shall be expended "for the implementation of this act." Section 4 of the act enumerates the duties of the Division on Deafness (now, the Division on Deaf and Hard of Hearing) under the act, including "fulfill[ing] its duties under the deaf persons' interpreters act." The fund, then, can already be expended on the DODHH's activities under the Deaf Persons' Interpreters Act.

² Presumably, there would a substitute for HB 5029 that would direct interpreters' fee revenue to the Division on Deafness Fund, rather its proposed Interpreters' Standards Fund.

³ The Division on Deafness was renamed the Division on Deaf and Hard of Hearing with Executive Order 2002-10, effective July 8, 2002.

close of a fiscal year, but instead is carried-forward into succeeding fiscal years, with expenditures limited to DODHH operations. The Division on Deafness Fund was created with the enactment of 1988 PA 434 (HB 5367), but has never been used in the more than 20 years since it was created.

A year ago, the division suspended the interpreters' credentialing tests in order to develop new testing procedures that meet the requirements of 2007 PA 24. In October 2009, that suspension was lifted, and testing has resumed. Previously, the department indicated that the DODHH can test about 44 people per month (528 per year). Based on these figures, the initial examination fee (\$125) would generate approximately \$66,000 in revenue, while the annual license fee (\$30) would generate an additional \$15,840 per year.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.